

ROBERT K. LINCOLN, JD, MSP

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EDUCATION

J.D. with High Honors, 1993, Florida State University College of Law, Tallahassee, FL
Order of the Coif
Book Awards for Legal Research & Writing, Civil Procedure, Alternative Dispute Resolution, Constitutional Law Seminar, and Economic Regulation of Business.
Journal of Land Use & Environmental Law
Associate Editor, 1991-92; Managing Editor 1992-93
Florida State University Law Review, Member 1991-93
M.S.P., 1990, Florida State University Dept. of Urban & Regional Planning, Tallahassee, FL
Edward McClure Award for Academic Excellence, 1990
American Institute of Certified Planners Planning Student Award for Achievement in the Study of Planning, 1990
FSU College of Social Science Fellowship, 1989-1990.
B.S., Political Science, 1983, New College of Florida, Sarasota, FL

COURT ADMISSIONS

Florida Bar, Admitted July 1994

Federal Courts:

- Middle District of Florida
- Southern District of Florida
- 11th Circuit Court of Appeal

PROFESSIONAL DISTINCTIONS

Board Certified in City, County and Local Government Law

Best Lawyers in America,

Land Use & Zoning; 2010-2015

Land Use & Zoning – Litigation; 2014-2015

Florida Trend – Legal Elite, Environmental & Land Use Law; 2014-2015

SELECT LITIGATION:

Petersen v. City of Clearwater, Case No. 2D14-3460 (March 18, 2015).

Petersen v. City of Clearwater, Case No. 13-008224Ci-21, 6th Judicial Circuit in and for Pinellas County.

Town of Longboat Key v. Islandside Property Owners' Coalition, et al, 95 So.3d 1037 (Fla. 2d DCA 2012)

Barfield v. Rushing, 83 So.3d 718 (Fla. 2d DCA 2012)

Islandside Property Owners' Coalition et al v. Town of Longboat Key, 20 Fla. L. Weekly Supp. 1063a (12th Cir., November 14, 2012) (granting declaratory relief)

Islandside Property Owners' Coalition et al v. Town of Longboat Key, 20 Fla. L. Weekly Supp. 1153b (12th Cir., December 30, 2011) (granting petition for writ of certiorari)

Pyle v. Fla. Dep't. of Community Affairs, 31 So.3d 180 (Fla. 1st DCA 2010)

Stop the Beach Renourishment, Inc. v. Fla. Dep't Ent'l Prot, 130 S. Ct. 2595 (2010) (amicus)

Carillon Community Residential et al v. Seminole County, 45 So. 3d 7 (Fla. 5th DCA 2010) (amicus)

Wiregrass Ranch, Inc. v. Pasco County, Case No. 12-2503 GM, Division of Administrative Hearings
Goodforest LLC v. Wiregrass Ranch Inc et al, Case No. 51 2010 CA 7141 ES; Circuit Court in and for Pasco County
Pyle v. City of St Pete Beach, et al, Case No 08-6817-CI, Circuit Court in and for Pinellas County
Pyle v. City of St. Pete Beach et al, Case No 08-8642-CI, Circuit Court in and for Pinellas County
Schwab Materials, Inc. v. Lee County, Case No. 06-CA-003003, Circuit Court in and for Lee County
B.D.R. Investment, Inc. v. Sarasota County, Case No. 04-4436, Fla. 2d DCA 2005.

PROFESSIONAL EXPERIENCE

Attorney

Law Office of Robert K. Lincoln, P.A., Sarasota, FL May 2015- Present

- Practice Land Use & Local Government Law and Litigation
- Litigation before administrative hearing officers and boards, local government bodies, Florida and federal trial courts, Florida and federal appellate courts.
- Represent private and public sector clients with regard to complex land use and local government law disputes

Attorney

Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., Sarasota, FL Oct. 2004-May 2015

- Practice land use/local government and related law and litigation at the administrative, trial court and appellate level
- Head of land use litigation practice

Attorney

Levin, Tannenbaum, Wolff, Band, Gates & Pugh, Sarasota, FL Feb.-Oct. 2004

- Practice land use/local government and related law
- Represent private developers and public sector clients with regard to complex land use issues

Attorney

Sole Practice, Sarasota, FL Feb. 2003-Feb. 2004

- Practice land use/local government and related law
- Expert witness (comprehensive planning, growth management, concurrency, application of land development regulations)

Assistant Professor of Planning

Michigan State University, Urban & Regional Planning, East Lansing, MI 1994-1996

- Taught land use law and planning theory to graduate and undergraduate students
- Published articles on land use law topics
- Coordinated program's GIS and computing lab, University GIS steering committee

Adjunct Professor, Urban & Regional Planning/Public Administration

Florida Atlantic University, FAU College of Urban & Public Affairs Fall 1993

- Taught graduate level land use law

Senior Research Associate-Legal Analyst

FAU/FIU Joint Center for Environmental & Urban Problems, Ft. Lauderdale, FL 1993-1994

- Researched growth management issues as a principal or associate investigator
- Supervised law student interns and center associates on projects

Adjunct Instructor of Urban Planning

Florida State University Dept. of Urban & Regional Planning, Tallahassee, FL Fall 1991

- Taught undergraduate “Introduction to Comprehensive Planning and Growth Management”

Law and Graduate School

Legal Intern - 1000 Friends of Florida Spring 1993

Assumed lead role in litigating an administrative rule challenge in which 1000 Friends had intervened, including being acknowledged as a qualified representative. Assisted the general counsel in preparing legal memoranda in other cases

Legal Research Analyst - Environmental Lands Mgmt (ELMS III) Committee, Fall 1992

Researched growth management issues for committee charged by Florida’s Governor with reviewing Florida’s growth management laws

Staff Analyst - Joint Select Committee on Growth Management Implementation, 1990

Performed research, attended workshops and assisted in developing draft legislation for legislative committee charged with oversight of Florida’s growth management laws.

Associate Planner/ Contract Planner / GIS Technician

Sarasota County Planning Department, Sarasota FL 1987-89 & Summer 1990

- Provided data and analysis Supported major econometric report on effects of a proposed moratorium
- Performed reviews of zoning and special exception applications

PUBLICATIONS

PUBLISHED ARTICLES

- Stop the Beach Renourishment Stops Private Beachowners’ Right to Exclude the Public*, (with Sidney F. Ansbacher and Kristen G. Juras), 12 Vt J of Env’tl Law, Spring 2010.
- What’s a Local Government Got to Do to get Reviewed Around Here? Review of local administrative actions by common law certiorari after Pleasures II* (with Sid Ansbacher), FLORIDA BAR JOURNAL, May 2003.
- Implementing the Consistency Doctrine*, in MODERNIZING STATE PLANNING STATUTES, VOL. 1:89 PAS Memo 463/463. American Planning Association, 1996.
- Executive Decisionmaking by Local Legislatures in Florida: Justice, Judicial Review, and the Need for Reform*, 26 STETSON LAW REVIEW 627 (Spring 1996).
- Linkage Fees and Fair Share Regulations: Law and Method* (with W. Merrill), in Robert Freilich and David Bushek, eds. FINANCING LOCAL DEVELOPMENTS: A GUIDE TO DEDICATIONS, EXACTIONS AND IMPACT FEES, (American Bar Association, 1995), reprinted from 25 URBAN LAWYER 223 (1993).
- The Missing Link: Legal Issues and Implementation Strategies for Affordable Housing Linkage Fee and Fair Share Regulations* (with W. Merrill) in 1994 ZONING AND PLANNING LAW HANDBOOK, Kenneth Young, ed, (1994), reprinted from 22 STETSON LAW REVIEW 469 (1993).
- Book Review: *Managing Community Growth: Policies, Techniques, and Impacts* by Eric Damian Kelly, 22 ENVIRONMENTAL AND URBAN ISSUES (Fall 1994).
- Inconsistent Treatment: The Florida Courts Struggle with the Consistency Doctrine* in 7 JOURNAL OF LAND USE & ENVIRONMENTAL LAW 33 (1992).

RESEARCH REPORTS

- Implementing Florida’s Coastal Management Program Using Local Governments*, principal investigator, (with Patty Metzger, et al), FAU/FIU Joint Center for Env’tl & Urban Problems, October 1994.
- Issues Affecting the Affordability of Housing in Coral Springs, Pembroke Pines, Plantation, Sunrise and Unincorporated Broward County*, (with Margaret S. Murray and Robyn S. Turner), Florida Atlantic University and the FAU/FIU Joint Center for Env’tl & Urban Problems, August 1994.
- Local Planning for Coastal Nonpoint Source Pollution*, (with James May, Patty Metzger, et al), Homer Hoyt Center for Land Economics and Real Estate (at Florida State University) and the FAU/FIU Joint Center for Env’tl & Urban Problems, 2 Volumes, January and July 1994.
- Land Development Regulations and Transit Oriented Development: An Evaluation of Ten Florida Jurisdictions*, FAU/FIU Joint Center for Env’tl & Urban Problems, January 1994.

LECTURES, PANELS AND PRESENTATIONS

- Recent Case Update*, CLE Presentation, CLE International: Land Use Law in Florida, Tampa, FL, June 2005, Nov. 2006; Dec. 2007, Aug. 2008, Dec. 2008, Aug. 2009, Aug. 2010, Aug. 2011, Aug. 2012, Aug. 2013, Aug. 2014.
- Case Law Update*, Florida Bar Environmental & Land Use Section, Land Use Seminar, Orlando, FL, May 2014.
- Case Law Update*, Florida Bar Environmental & Land Use Section, Emerging Trendson the Development Front for Environmental, Land Use and Real Estate Practitioners, Tampa, FL. January 2014.
- Dismantling State Oversight of Local Government Decisions – Has the Pendulum Swung Too Far?*, Florida Bar Environmental & Land Use Section, Environmental and Land Use Update, Pointe Vedra, FL, August 2012.
- Exactions Under Current Law and Home Rule*, Florida Bar Environmental & Land Use Section, Land Use 2012, St Augustine, FL, May 2012
- Foreseeable Uses Under the Bert Harris Act*, CLE International Eminent Domain Institute, Tampa, FL, October 2010.
- Hometown Democracy – Panel Discussion*, USF/Sarasota Institute of Government, Sarasota, FL, November 8, 2007.
- Certiorari Review of Local Land Use Decisions*, CLE International: Litigating Land Use Disputes, Tampa FL, November 15, 2004; December 16, 2005; June 2006; Sept. 2007.
- Prospects for Growth Management in Michigan*, presentation, Michigan State University Legislative Leadership Forum, December 13, 1994.
- Federal and State Coastal Laws and Legislation*, Panel Moderator, “Weathering the Storm,” 1994 Florida Coastal Conference, September 26, 1994.
- Snyder v. Brevard County: Implications for Planning Practice*, May 23 and June 11, 1994, Florida Institute of Government.
- The DRI Process in Florida: Will it go away?*, FAU/FIU Joint Center for Env’tl and Urban Policy and the SE Section, Urban Land Institute’s Annual Growth Management Conference, May 3, 1994.
- Planning Practice after Snyder*, Panel Discussion, Broward County Section of the Florida Chapter, American Planning Association, March 24, 1994.
- Linkage Fees and Fair Share Regulations: Law and Method*, Guest Lecture, Michigan State University, Urban & Regional Planning Program, March 20, 1994.

PUBLIC SERVICE

- New College Foundation*, Board of Directors, 2011 – present;
Treasurer and Chair of Finance Committee, 2014-present
- New College Alumni Association* – Board of Directors, 1997-2015;
Chair 2011 – 2013
- Sarasota Bar Association*, 2005-present
Vice-Chair, Local Government Law Section, 2013-present
- Leadership Sarasota*, Class of 2012
- Legal Aid of Manasota*, Legal Impact Award, 2011
- Sarasota Downtown Partnership*, Board of Directors, 2007-2008